

**GABRIEL “JACK” CHIN**  
University of California, Davis School of Law  
400 Mrak Hall Drive  
Davis, CA 95616  
(520) 401-6586 / gchin@aya.yale.edu

#### **ACADEMIC APPOINTMENTS**

**University of California, Davis School of Law** since 2011.

*Edward L. Barrett Chair in Law* since Fall, 2016.

Director of Clinical Legal Education since Spring 2017.

*Martin Luther King Jr. Professor of Law*, since 2015.

*Professor of Law & Martin Luther King Jr. Hall Research Scholar*, 2011-15.

**University of Arizona James E. Rogers College of Law**, 2003-2011.

*Chester H. Smith Professor of Law*, 2004-11.

*Professor of Public Administration and Policy*, 2004-11.

*Professor of Law and Director, Program in Criminal Law and Policy*.

**New York University School of Law**

*Visiting Professor of Law*, Spring 2001.

**University of Cincinnati College of Law**, 1998-2003.

*Rufus King Professor of Law*, from 2001.

*Interim Associate Dean*, Spring 2002.

*Founder, Director, Urban Justice Institute (now Rosenthal Institute for Justice)*, 2001-03.

*Professor of Law*, Fall 1999 to June 2001.

*Associate Professor of Law*, Fall 1998 to Spring 1999.

**Western New England University School of Law**, Springfield, Massachusetts.

*Assistant Professor of Law*, 1995-98.

Teaching/Research: Criminal Law, Criminal Procedure, Evidence, Immigration, Asian Pacific Americans and Law, Race and Law, Voting Rights.

#### **PROFESSIONAL APPOINTMENTS**

**Collateral Consequences Resource Center**

Co-Founder, Board Member, 2012-Present.

**National Conference of Commissioners on Uniform State Laws**

*Reporter*, Uniform Collateral Consequences of Conviction Act, 2005-2010.

Enactment Committee Member, 2009-Present.

**American Bar Association**

*Reporter*, ABA Criminal Justice Standards,

Collateral Sanctions and Discretionary Disqualification of Convicted Persons, 2001-04.

*Member*, Criminal Justice Section Ad Hoc Committee on Innocence, 2002-06.

*Co-Chair*, Criminal Justice Section, Committee on Race and Racism, 2002-03.

Advisory Board Member, National Inventory of Collateral Consequences of Conviction Project, 2009-13.

Liaison from the Criminal Justice Section to the Commission on Immigration, 2010-11.  
*Co-Chair*, Immigration Committee, Criminal Justice Section, 2010-11.

**U.S. Commission on Civil Rights, Arizona Advisory Committee**, 2006-08.

**Arizona Commission on Nomination, Appointment and Retention, Capital Defense Commissioner**, 2006-09.

**American Law Institute** (Elected 2002).

Members' Consultative Group on the Model Penal Code.

Members' Consultative Group, Project on Sexual and Gender-Based Misconduct on Campus: Procedural Frameworks and Analysis

**Conference of Asian Pacific American Law Faculty, Board of Directors**, 2005-2012.

## **EDUCATION**

**Yale Law School**. Master of Laws, June 1995. Editor, YALE LAW & POLICY REVIEW.

**Michigan Law School**. Juris Doctor *cum laude*, May 1988.

S.K. Yee Merit Scholar, 1985-88.

American Jurisprudence Awards (highest grade) Criminal Procedure, Legal Ethics; Certificate of Merit (highest grade) Securities Regulation.

Co-founder, Vice-President, Asian American Law Students' Association.

**Wesleyan University**. Bachelor of Arts (History), June 1985.

Connecticut Scholar, 1981-85; Chew Association Scholar.

## **HONORS AND AWARDS**

*Individual Awards:*

Fellow, American Bar Foundation, Elected 2020

APA Bar Association of Los Angeles Award, 2016, for participating in posthumous admission of Hong Yen Chang, the first Chinese American lawyer in the United States, to the California Supreme Court. *In re Hong Yen Chang*, 60 Cal. 4th 1169, 344 P.3d 288 (2015), *overruling In re Hong Yen Chang*, 24 P. 156, 84 Cal. 163 (1890). *See also* Gabriel J. Chin, *Hong Yen Chang, Lawyer and Symbol*, 21 UCLA ASIAN PACIFIC AMERICAN LAW JOURNAL 1 (2015-16).

Asian American Bar Association of Sacramento, Public Service Award, September, 2015, for participating in posthumous admission of Hong Yen Chang.

Keith Aoki Asian Pacific American Jurisprudence Award, Conference of Asian Pacific

American Law Faculty 2015.

Green Bag 2014 Exemplary Legal Writing Award (for *Getting Law Review Fans Out of the Closet: Liptak on Jacobs and Waxman*, [PrawfsBlawg](#), Oct. 21, 2013, reprinted in 4 JOURNAL OF LAW: PERIODICAL LABORATORY OF LEG. SCHOLARSHIP 85 (2014)).

Outstanding Faculty Award, University of Arizona Asian American Faculty, Staff and Alumni Association, 2010.

Haywood Burns / Shanara Gilbert Scholar Activist Award,  
North East People of Color Legal Scholarship Conference, 2005.

Distinguished Scholar Award,  
Second National People of Color Legal Scholarship Conference, 2004.

Certificate of Recognition, Ohio Senate,  
for participating in ratification of the Fourteenth Amendment in 2003.

*The aList: The 25 Most Notable Asians in America*,  
[AMAGAZINE: INSIDE ASIAN AMERICA](#), Dec. 2001/Jan. 2002, at 61.

Outstanding Scholarly Paper Award, Association of American Law Schools, 1998.

Thurgood Marshall Memorial Paper Prize, Southwest-Southeast People of Color Legal Scholarship Conference, 1996.

*Citation Lists:*

Scholar Rank Top 250 Scholars, William S. Hein & Co. (107<sup>th</sup> as of August 10, 2020)  
[http://home.heinonline.org/top\\_authors/](http://home.heinonline.org/top_authors/)

Listed in Brian Leiter, *20 Most-Cited Criminal Law and Procedure Faculty in the U.S. For The Period 2013-2017*, <http://leiterlawschool.typepad.com/leiter/2018/08/20-most-cited-criminal-law-and-procedure-faculty-in-the-us-for-the-period-2013-2017.html>

*20 Most-Cited Critical Theories of Law (Feminist and Critical Race) Scholars in the U.S. for the period 2013-2017* <https://leiterlawschool.typepad.com/leiter/2018/10/20-most-cited-critical-theories-of-law-feminist-and-critical-race-scholars-in-the-us-for-the-period-.html>

*Twenty Most-Cited Criminal Law and Procedure Faculty in the United States, 2010-2014*,  
<http://leiterlawschool.typepad.com/leiter/2016/05/twenty-most-cited-criminal-law-procedure-faculty-in-the-united-states-2010-2014-inclusive.html>

*Top Ten Law Faculty (By Area) in Scholarly Impact, 2009-2013*  
[http://www.leiterrankings.com/faculty/2014\\_scholarlyimpact.shtml](http://www.leiterrankings.com/faculty/2014_scholarlyimpact.shtml),

*Top 25 Law Faculties in Scholarly Impact, 2005-2009  
(and Highest Impact Faculty in 13 Areas of Specialization),  
[http://www.leiterrankings.com/new/2010\\_scholarlyimpact.shtml](http://www.leiterrankings.com/new/2010_scholarlyimpact.shtml),*

*Most Cited Law Professors by Specialty, 2000-2007,  
[http://www.leiterrankings.com/faculty/2007faculty\\_impact\\_areas.shtml](http://www.leiterrankings.com/faculty/2007faculty_impact_areas.shtml), and*

*50 Most Cited Faculty Who Entered Teaching Since 1992  
[http://www.leiterrankings.com/faculty/2002faculty\\_impact\\_newprofs.shtml](http://www.leiterrankings.com/faculty/2002faculty_impact_newprofs.shtml).*

**LAW REVIEW ARTICLES** (most available on SSRN: <http://ssrn.com/author=201529>)

*Toward National Criminal Bar Admission in U.S. District Courts*, FORDHAM LAW REVIEW (forthcoming 2021).

*Relief and Statutes of Limitation for Deportable Noncitizens Under Asian Exclusion, 1882-1948*, SOUTHWESTERN LAW REVIEW (forthcoming 2021).

*RFRA and Sacramental Marijuana*, AIR FORCE LAW REVIEW (with Lt Col Sean Elameto, USAF, and Ariane Marie-Mitchell, forthcoming 2021).

*Birthright Citizenship, Slave Trade Legislation, and the Origins of Federal Immigration Regulation*, UNIVERSITY OF CALIFORNIA, DAVIS LAW REVIEW (forthcoming 2021) (with Paul Finkelman).

*A Nation of White Immigrants: State and Federal Racial Preferences for White Noncitizens*, 100 BOSTON UNIVERSITY LAW REVIEW 1271 (2020).

*Sowing The Seeds of Chinese Exclusion As the Reconstruction Congress Debates Civil Rights Inclusion*, 12 TSINGHUA CHINA LAW REVIEW 185 (2020), and UCLA APA LAW JOURNAL (with Lea VanderVelde).

*Warren Court Incrementalism and Indigent Criminal Appellants' Right to Trial Transcripts*, 51 UNIVERSITY OF THE PACIFIC LAW REVIEW 667 (2020) (symposium contribution) (with Hannah Bogen).

*The Gattaca Model: Should the Military Be Allowed to Select Its Elite Forces Based upon One's DNA?*, 13 LIBERTY UNIVERSITY LAW REVIEW 449 (2019) (co-author with David J. Western).

*Chevron and Citizenship*, 51 UC DAVIS LAW REVIEW 145 (2018) (with Steven Vong and Nicholas Starkman), reprinted in 24 BENDER'S IMMIGRATION BULLETIN 271 (2019).

*Infamous Misdemeanors and the Grand Jury Clause*, 102 MINNESOTA LAW REVIEW 1911 (2018) (co-author with John Ormonde '15).

*Jurisdiction Over Quasi-Military Personnel Under UCMJ Article 2(A)(8)*,

78 AIR FORCE LAW REVIEW 1 (2018) (co-author with Col David J. Western, USAF).

*The War Against Chinese Restaurants*, 67 DUKE LAW JOURNAL 681 (2018) (co-author with John Ormonde '15), excerpted in 40 REGULATION: THE CATO REVIEW OF BUSINESS AND GOVERNMENT No. 2, 32 (Summer 2017), featured in Joanna Grisinger, *Restaurants and Regulation*, JOTWELL (Nov. 7, 2018) <https://legalhist.jotwell.com/restaurants-and-regulation/> and Cary C. Franklin, *Acts of Exclusion*, JOTWELL (Nov. 21, 2018) <https://conlaw.jotwell.com/acts-of-exclusion/>

*Are JROTC And CAP On A Collision Course With CROC?*, 77 AIR FORCE LAW REVIEW 65 (2017) (co-author with Col David J. Western, USAF).

*Collateral Consequences 371 in 4 REFORMING CRIMINAL JUSTICE: A REPORT BY THE ACADEMY FOR JUSTICE* (2017), reprinted in 18 CRIMINOLOGY, CRIMINAL JUSTICE, LAW & SOCIETY 1 (2017), and in 2018 ACTUAL PROBLEMS OF ECONOMICS AND LAW 660 (2018) (Russian translation).

*Comprehensive Immigration Reform in the Jim Crow Era: Chinese Exclusion and the McCleary Act of 1893*, 23 ASIAN AMERICAN LAW JOURNAL 39 (2016) (with Daniel K. Tu).

*Pleading Guilty Without Client Consent*, 57 WILLIAM & MARY LAW REVIEW 1309 (2016).

*Is Multicultural America the Product of A Mistake?: The 1965 Immigration Act and Evidence From Roll Call Votes*, 2015 UNIVERSITY OF ILLINOIS LAW REVIEW 1239 (with Douglas M. Spencer).

*Reasonable but Unconstitutional: Racial Profiling and the Radical Objectivity of Whren v. United States*, 82 GEORGE WASHINGTON LAW REVIEW 882 (2015) (with Charles Vernon), reprinted in 43 SEARCH & SEIZURE LAW REPORT 29 (2016).

With response L. Song Richardson, Response, *Implicit Racial Bias and the Perpetrator Perspective: A Response to "Reasonable but Unconstitutional"*, 83 GEORGE WASHINGTON LAW REVIEW 1008 (2015), and my reply Gabriel J. Chin, *Doctrine, Discretion, and Discrimination: A Response to Professor Richardson*, 83 GEORGE WASHINGTON LAW REVIEW 1023 (2015).

*The Mistake of Law Defense and an Unconstitutional Provision of the Model Penal Code*, 93 NORTH CAROLINA LAW REVIEW 139 (2015) (with Reid Fontaine, Nicholas Klingerman & Melody Gilkey).

*Justifying a New Voting Rights Act: The Guarantee Clause and the Problem of Minority Rule*, 94 BOSTON UNIVERSITY LAW REVIEW 1551 (2014).

*Race and the Disappointing Right to Counsel*, 122 YALE LAW JOURNAL 2236 (2013).

*The Lost Brown v. Board of Education of Immigration Law*, 91 NORTH CAROLINA LAW REVIEW 1657 (2013) (with Shirley Chiang Park & Cindy Hwang).

Book Chapter, *The Story of Jacobson v. United States: Catching Criminals or Creating Crime* 299, in CRIMINAL LAW STORIES (Robert Weisberg & Donna Coker eds., Foundation Press, 2012).

*Double Trouble: Double Jeopardy's Dual Sovereignty Exception and State Immigration Statutes*, 28 ARIZONA JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW 353 (2012) (with Gregory S. Schneider).

*The New Civil Death: Rethinking Punishment in the Era of Mass Conviction*, 160 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1789 (2012), reprinted in a modified form as *Collateral Consequences of Criminal Conviction*, in THE CONSTITUTION AND THE FUTURE OF CRIMINAL JUSTICE IN AMERICA 205 (Cambridge University Press 2013).

Cited in *Utah v. Strieff*, 136 S. Ct. 2056, 2070 (2016) (Sotomayor J., dissenting).

*The Unconstitutionality of State Regulation of Immigration Through Criminal Law*, 61 DUKE LAW JOURNAL 251 (2011) (with Marc Miller), reprinted in a modified form as *Broken Mirror: The Unconstitutional Foundations of New State Immigration Enforcement*, in STRANGE NEIGHBORS: STATE AND LOCAL REGULATIONS OF IMMIGRATION POLICY (Carissa Hessick & Gabriel J. Chin eds., NYU Press 2014).

*Quasi-Crime and Quasi-Punishment: Criminal Process Effects of Immigration Status*, 58 UCLA LAW REVIEW 1417 (2011).

*Reaching out to do Justice: The Rise and Fall of the U.S. Supreme Court's Special Docket*, 48 HOUSTON LAW REVIEW 197 (2011) (with Sara Lindenbaum).

*A Legal Labyrinth: Issues Raised by Arizona Senate Bill SB1070*, 25 GEORGETOWN IMMIGRATION LAW JOURNAL 47 (2010) (with Carissa Byrne Hessick, Toni M. Massaro & Marc L. Miller), reprinted in a modified form as [The Constitutionality of Arizona SB 1070 and Other State Immigration Laws](#), American Constitution Society Issue Brief, (Nov. 2010) (with Massaro and Miller), and in *Arizona Senate Bill 1070: Politics Through Immigration Law* (with Hessick and Miller), in ARIZONA FIRESTORM: GLOBAL IMMIGRATION REALITIES NATIONAL MEDIA AND PROVINCIAL POLITICS 73 (Otto Santa Ana & Celeste Gonzalez de Bustamante eds. 2012).

Discussed this research in *The New York Times*, *Talk of the Nation*, *Los Angeles Times*, *USA Today*, and many other venues.

*Unjustified: The Practical Irrelevance of the Justification/Excuse Distinction*, 43 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 79 (2009) (symposium).

*The Jena Six and the History of Racially Compromised Justice in Louisiana*, 44 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 361 (2009) (symposium).

*Beyond the Super-Majority: Post-Adoption Ratification of the Equality Amendments*, 50 ARIZONA LAW REVIEW 25 (2009) (with Anjali Abraham) (faculty symposium).

*Why Senator John McCain Cannot Be President: Eleven Months and a Hundred Yards Short of Citizenship*, 107 MICHIGAN LAW REVIEW FIRSTIMPRESSIONS 1 (2008). Featured in Adam Liptak, *A Hint of New Life to McCain Birth Issue*, N.Y. TIMES, July 11, 2008, at A11 (<http://www.nytimes.com/2008/07/11/us/politics/11mccain.html>), on CNN, and hundreds of other media outlets.

*With responses/commentary from:*

Lawrence Solum, Daniel Tokaji, Peter Spiro, Stephen Sachs.

*Unexplainable on Grounds of Race: Doubts About Yick Wo*, 2008 UNIVERSITY OF ILLINOIS LAW REVIEW 1359.

*With comments*: David Bernstein (2008 ILLINOIS LAW REVIEW 1393), Darryl Brown (2008 ILLINOIS LAW REVIEW 1405), Lenese Herbert (2008 ILLINOIS LAW REVIEW 1415) and Tom Joo (2008 ILLINOIS LAW REVIEW 1427), *and My Reply* 2008 ILLINOIS LAW REVIEW 1441.

*The Tyranny of the Minority: Jim Crow and the Counter-Majoritarian Difficulty*, 43 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 65 (2008) (with Randy Wagner).

*With response*: Taunya Lovell Banks, *Trampling Whose Rights? Democratic Majority Rule and Racial Minorities: A Response to Chin and Wagner*, 43 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 127 (2008).

Book Chapter, Chae Chan Ping and Fong Yue Ting: *The Origins of Plenary Power*, in IMMIGRATION LAW STORIES 7 (David Martin & Peter Schuck, eds., Foundation 2005).

*A War on Drugs or a War on Immigrants? Expanding the Definition of 'Drug Trafficking' in Determining Aggravated Felon Status for Non-Citizens*, 64 MARYLAND LAW REVIEW 875 (2005) (with Jeff Yates and Todd Collins).

*Jim Crow's Long Goodbye*, 21 CONSTITUTIONAL COMMENTARY 107 (2004) (symposium).

*Reconstruction, Felon Disenfranchisement and the Right to Vote: Did the Fifteenth Amendment Repeal Section 2 of the Fourteenth?*, 92 GEORGETOWN LAW JOURNAL 259 (2004), reprinted in 21 CIVIL RIGHTS LITIGATION AND ATTORNEY FEES ANNUAL HANDBOOK Ch. 11 (Steven Saltzman, ed., 2005).

*The "Voting Rights Act of 1867:" The Constitutionality of Federal Regulation of Suffrage During Reconstruction*, 82 NORTH CAROLINA LAW REVIEW 1581 (2004) (symposium).

*Pledging Allegiance to the Constitution: The First Amendment and Loyalty Oaths for Faculty at*

*Private Universities*, 64 UNIVERSITY OF PITTSBURGH LAW REVIEW 431 (2003) (with Saira Rao).

*Rehabilitating Unconstitutional Statutes: A Case Study of Cotton v. Fordice*, 71 UNIVERSITY OF CINCINNATI LAW REVIEW 421 (2003) (faculty symposium).

*Are Collateral Sanctions Premised on Conduct or Conviction? The Case of Abortion Doctors*, 30 FORDHAM URBAN LAW JOURNAL 1685 (2003) (symposium).

*Race, the War on Drugs, and the Collateral Consequences of Criminal Conviction*, 6 IOWA JOURNAL OF GENDER, RACE & JUSTICE 253 (2003) (symposium), reprinted in CIVIL PENALTIES, SOCIAL CONSEQUENCES 27 (Christopher Mele & Teresa Miller eds., Routledge 2005).

*Effective Assistance of Counsel and the Consequences of Guilty Pleas*, 87 CORNELL LAW REVIEW 697 (2002) (with Richard W. Holmes, Jr.).

Cited in *Chaidez v. United States*, 568 U.S. 342, 351 (2013) (Kagan J.); *id.* at 368 n.7 (Sotomayor J., dissenting); *Padilla v. Kentucky*, 559 U.S. 356, 367 (2010) (Stevens J.); *id.* at 376, 382, 383 (Alito J., concurring).

*Preserving Racial Identity: Population Patterns and the Application of Anti-Miscegenation Laws to Asian Americans, 1910-1950*, 9 ASIAN LAW JOURNAL 1 (2002) (with Hrishi Karthikeyan).

*Regulating Race: Asian Exclusion and the Administrative State*, 37 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 1 (2002).

Book Chapter, *Twenty Years on Trial: Takuji Yamashita's Struggle for Citizenship* 103, in RACE ON TRIAL: LAW AND JUSTICE IN AMERICAN HISTORY (Annette Gordon-Reed ed., Oxford 2002).

*Is There a Plenary Power Doctrine? A Tentative Apology and Prediction for Our Strange but Unexceptional Constitutional Immigration Law*, 14 GEORGETOWN IMMIGRATION LAW JOURNAL 257 (2000) (symposium).

*With responses:*

Kevin R. Johnson, *Race and Immigration Law and Enforcement: A Response to Is There A Plenary Power Doctrine?*, 14 GEORGETOWN IMMIGRATION LAW JOURNAL 289, 305 (2000);

Stephen H. Legomsky, *Immigration Exceptionalism: Commentary On Is There A Plenary Power Doctrine?*, 14 GEORGETOWN IMMIGRATION LAW JOURNAL 307 (2000).

*Can a Reasonable Doubt have an Unreasonable Price? Limitations on Attorney's Fees in Criminal Cases*, 41 BOSTON COLLEGE LAW REVIEW 1 (1999) (with Scott Wells).

*Emerging from the Margins of Historical Consciousness: Chinese Immigrants and the History of*

*American Law*, 17 LAW & HISTORY REVIEW 325 (1999) (peer-reviewed journal) (with Richard P. Cole).

*The “Blue Wall of Silence” as Evidence of Bias or Motive to Lie: A New Approach to Police Perjury*, 59 UNIVERSITY OF PITTSBURGH LAW REVIEW 233 (1998) (with Scott Wells).

Reviewed in Timothy P. O’Neill, *Tearing Down the Blue Wall of Silence*, CHICAGO DAILY LAW BULLETIN, Jan. 22, 1999, at 5 (“Chin and Wells article should be required reading for everyone interested in justice in America.”).

*Identifying the Enemy in the War on Drugs: A Critique of the Developing Rule Permitting Visual Identification of Indescript White Powders as Narcotics at Trial*, 47 AMERICAN UNIVERSITY LAW REVIEW 557 (1998) (with Michael Blanchard), excerpted in ALEX KREIT, CONTROLLED SUBSTANCES: CRIME, REGULATION AND POLICY 297 (2013).

*Segregation’s Last Stronghold: Race Discrimination and the Constitutional Law of Immigration*, 46 UCLA LAW REVIEW 1 (1998), reprinted in 19 IMMIGRATION & NATIONALITY LAW REVIEW 3 (1998).

AALS Outstanding Scholarly Paper Award, 1998.

*The Plessy Myth: Justice Harlan and the Chinese Cases*, 82 IOWA LAW REVIEW 151 (1996).

First Prize, Thurgood Marshall Memorial Paper Award, S.W.-S.E. People of Color Legal Scholarship Conference, 1996. Excerpted in F. MICHAEL HIGGINBOTHAM, RACE LAW: CASES, COMMENTARY, AND QUESTIONS 327 (Carolina 2001). A shorter version was published as *The Great Dissenter Had Limits*, BALTIMORE SUN, May 12, 1996, at 6F (1996 WL 6618398).

*The Civil Rights Revolution Comes to Immigration Law: A New Look at the Immigration and Nationality Act of 1965*, 75 NORTH CAROLINA LAW REVIEW 273 (1996), reprinted in 17 IMMIGRATION & NATIONALITY LAW REVIEW 87 (1995-96).

Research featured on *Here and Now* (National Public Radio), July 19, 2010 (<http://www.hereandnow.org/2010/07/rundown-719/>)

Excerpted in TIMOTHY DAVIS, KEVIN R. JOHNSON & GEORGE A. MARTINEZ, A READER ON RACE, CIVIL RIGHTS AND AMERICAN LAW: A MULTI-RACIAL APPROACH 578 (2001).

*Bakke to the Wall: The Crisis of Bakkean Diversity*, 4 WILLIAM & MARY BILL OF RIGHTS JOURNAL 881 (1996).

BEYOND SELF-INTEREST: ASIAN PACIFIC AMERICANS TOWARD A COMMUNITY OF JUSTICE, A POLICY ANALYSIS OF AFFIRMATIVE ACTION (1996), reprinted in 4 UCLA ASIAN-PACIFIC

AMERICAN LAW JOURNAL 129 (1996), and ASIAN WEEK, Oct. 25-31, 1996, at 7 (with Sumi Cho, Jerry Kang, and Frank Wu).

*Getting Out of Jail Free: Sentence Credit for Periods of Mistaken Liberty*, 45 CATHOLIC UNIVERSITY LAW REVIEW 403 (1996).

*Double Jeopardy Violations as “Plain Error” under Federal Rule of Criminal Procedure 52(b)*, 21 PEPPERDINE LAW REVIEW 1161 (1994).

## UNIFORM LAWS AND SUPREME COURT *AMICUS* BRIEFS

MODEL LAW ON NON-CONVICTION RECORDS, Collateral Consequences Resource Center (2019) (one of several advisors) <https://ccresourcecenter.org/model-law-on-non-conviction-records/>

BRIEF OF GABRIEL J. CHIN ET AL. IN SUPPORT OF RESPONDENTS, in *Shelby County v. Holder*, 133 S. Ct. 2612 (2013) (U.S. No. 12-96) (available on line at [http://www.americanbar.org/content/dam/aba/publications/supreme\\_court\\_preview/briefs-v2/12-96\\_resp\\_amcu\\_gcae-et.al.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/supreme_court_preview/briefs-v2/12-96_resp_amcu_gcae-et.al.authcheckdam.pdf)).

BRIEF OF THE AMERICAN BAR ASSOCIATION AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER (co-author) (June 2009), in *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010) (U.S. No. 08-651) (available on line at [http://www.abanet.org/publiced/preview/briefs/pdfs/07-08/08-651\\_PetitionerAmCuABA.pdf](http://www.abanet.org/publiced/preview/briefs/pdfs/07-08/08-651_PetitionerAmCuABA.pdf)).

BRIEF OF THE SOCIETY OF AMERICAN LAW TEACHERS AS *AMICUS CURIAE* IN SUPPORT OF RESPONDENTS (The University of Michigan) (co-author) (Feb. 2003), in *Grutter v. Bollinger*, 539 U.S. 306 (2003) (No. 02-241) (available on line at <http://www.saltlaw.org/gruttersaltbrief.pdf>).

UNIFORM COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTION ACT, NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS (Approved July, 2009) (reporter) (available on line at <http://www.nccusl.org/Update/CommitteeSearchResults.aspx?committee=242>).

AMERICAN BAR ASSOCIATION, STANDARDS FOR CRIMINAL JUSTICE: VOLUME 19: COLLATERAL SANCTIONS AND ADMINISTRATIVE DISQUALIFICATION OF CONVICTED PERSONS (3d ed. 2004) (reporter) (available on line at [http://www.abanet.org/crimjust/standards/collateral\\_toc.html](http://www.abanet.org/crimjust/standards/collateral_toc.html)), discussed in *Old Wine in a New Skin: The ABA Standards on Collateral Sanctions and Discretionary Disqualification of Convicted Persons*, 16 FEDERAL SENTENCING REPORTER 232 (2004) (co-author with Margaret Colgate Love).

## JIM CROW REPEAL PROJECT

These reports represent work with students to publicize and repeal Jim Crow laws still on the books; they resulted in legislation in Florida, Georgia, Kansas, Louisiana, Missouri, New Mexico, Ohio, West Virginia and Wyoming, and ratification of the Fourteenth Amendment in Ohio. See, e.g., *Jim Crow Laws Remain on the Books*, USA TODAY MAG., Aug. 1, 2004, at 11 (2004 WNLR 22286209); Kristin Roberts, *La. Scrapping Jim Crow Laws*, PHILADELPHIA

INQUIRER, June 20, 2004 at A04 (2004 WLNR 19353671); Ernie Suggs, *Jim Crow Laws Live On; Georgia Code Retains Measures Designed to Defeat School Integration*, ATLANTA JOURNAL-CONSTITUTION, June 17, 2004, at D1 (2004 WLNR 6353513); *Racist Land Laws*, MORNING EDITION (NPR), July 1, 2002 (<http://www.npr.org/templates/story/story.php?storyId=1145933>); *14<sup>th</sup> Amendment Ratification Ceremony*, C-SPAN, Sept. 17, 2003 (<http://www.c-spanvideo.org/program/id/122636>).

STILL ON THE BOOKS: JIM CROW AND SEGREGATION LAWS FIFTY YEARS AFTER *BROWN V. BOARD OF EDUCATION*, A REPORT ON LAWS REMAINING IN THE CODES OF ALABAMA, GEORGIA, LOUISIANA, MISSISSIPPI, MISSOURI, SOUTH CAROLINA, VIRGINIA AND WEST VIRGINIA (2004) (co-author), *reprinted in* 2006 MICHIGAN STATE LAW REVIEW 457.

REPORT TO THE GENERAL ASSEMBLY OF THE STATE OF OHIO RECOMMENDING RATIFICATION OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION (Feb. 11, 2003) (co-author), *reprinted in* 28 WESTERN NEW ENGLAND LAW REVIEW 197 (2006). The recommendation became law on March 12, 2003, when the House passed Senate Joint Resolution 2, which had already passed the Senate.

REPORT TO THE GOVERNOR, SENATE, AND HOUSE OF REPRESENTATIVES OF THE STATE OF KANSAS RECOMMENDING REPEAL OF THE RACIALLY DISCRIMINATORY ALIEN LAND PROVISION OF KANSAS LAW (June 2001) (co-author). The recommendation became law on May 17, 2002, when the governor of Kansas signed SB 400, 2002 Kansas Session Laws No. 135, § 6.

REPORT TO THE GOVERNOR, SENATE, AND HOUSE OF REPRESENTATIVES OF THE STATE OF FLORIDA RECOMMENDING REPEAL OF THE RACIALLY DISCRIMINATORY ALIEN LAND PROVISION OF THE FLORIDA CONSTITUTION (Dec. 2000) (co-author), *reprinted in* 22 IMMIGRATION AND NATIONALITY LAW REVIEW 749 (2001). Repeal was rejected by the voters in Florida in 2008, but passed on reconsideration in 2018.

REPORT TO THE GOVERNOR, SENATE, AND HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO RECOMMENDING REPEAL OF THE RACIALLY DISCRIMINATORY ALIEN LAND PROVISION OF THE NEW MEXICO CONSTITUTION (Nov. 2000) (co-author). The recommendation passed the New Mexico legislature (Senate Joint Resolution 22, 45<sup>th</sup> Legislature, 1<sup>st</sup> Sess. (2001), and was rejected by the electors in November, 2002; it was reintroduced and passed in November 2006.

REPORT TO THE GOVERNOR, SENATE, AND HOUSE OF REPRESENTATIVES OF THE STATE OF WYOMING RECOMMENDING REPEAL OF THE RACIALLY DISCRIMINATORY ALIEN LAND PROVISION OF THE WYOMING STATUTES (Nov. 2000) (co-author). The recommendation became law on February 22, 2001, 2001 Session Laws of Wyoming Chapter No. 0093.

## **OP-EDS, BOOK REVIEWS, AND OTHER SHORTER PUBLICATIONS**

*Racial Justice Requires Ending the War on Drugs*, AMERICAN JOURNAL OF BIOETHICS (forthcoming 2021) (co-author).

Book Review, John R. Wunder, *Gold Mountain Turned to Dust: Essays on the Legal History of*

*the Chinese in the Nineteenth-Century American West*, 50 SOUTH DAKOTA HISTORY No. 1, 84 (Spring 2020)

*Some Preliminary thoughts on Dimaya*, 48 SOUTHWESTERN LAW REVIEW 539 (2019)

Book Review, *The Chinese Must Go: Violence, Exclusion, And The Making Of The Alien In America*, CRIMINAL LAW AND CRIMINAL JUSTICE BOOKS (Rutgers) (January 2019)

<https://clcjbooks.rutgers.edu/books/the-chinese-must-go-violence-exclusion-and-the-making-of-the-alien-in-america/>

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REPORT TO THE GENERAL ASSEMBLY OF THE STATE OF OHIO RECOMMENDING PASSAGE OF TRINA'S LAW (July 2003) (co-author), reprinted in 32 CAPITAL LAW REVIEW 351 (2003).

*Citizenship and Exclusion: Wyoming's Anti-Asian Alien Land Law in Context*, 1 WYOMING LAW REVIEW 497 (2001) (symposium).

*Affirmative Action & Immigration and Naturalization: Law and Policy*, in THE ENCYCLOPEDIA OF AMERICAN POLITICAL HISTORY (CQ Press, 2001) (Affirmative Action with Michael Blanchard).

*Cocoanut Grove Fire*, in THE ENCYCLOPEDIA OF NEW ENGLAND, 913 (Yale University Press 2005).

*Immigration Policy and Law*, in THE ENCYCLOPEDIA OF THE UNITED STATES IN THE NINETEENTH CENTURY (Charles Scribner's Sons 2001).

Book Review, Peter Schuck, *Citizens, Strangers and In-Betweens*, 18 LAW & HISTORY REVIEW 247 (2000).

Book Review, Gerald Neuman, *Strangers to the Constitution*, 42 AMERICAN JOURNAL OF LEGAL HISTORY 64 (1999).

*Lau v. Nichols*, in 2 CIVIL RIGHTS IN THE UNITED STATES 420 (Macmillan 1999) (with Chris K. Iijima).

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*Rethinking Racial Divides: Asian Pacific Americans and the Law Panel on Affirmative Action*, 4 MICHIGAN JOURNAL OF RACE & LAW 187 (1998).

*Coolies*, in 2 MACMILLAN ENCYCLOPEDIA OF WORLD SLAVERY 463 (Macmillan 1998).

*Do You Really Want A Lawyer Who Doesn't Want You?*, 20 WESTERN NEW ENGLAND LAW REVIEW 9 (1998) (faculty symposium).

**EDITED BOOKS**

EXPERIENCING CRIMINAL LAW (West 2015) (with Wes Oliver).

THE IMMIGRATION AND NATIONALITY ACT OF 1965: LEGISLATING A NEW AMERICA (Cambridge University Press, 2015) (Co-editor and author of introduction with Rose Cuisson Villazor, author of chapter).

STRANGE NEIGHBORS: STATE AND LOCAL REGULATION OF IMMIGRATION POLICY (NYU Press 2014) (co-editor and co-author of introduction with Carissa B. Hessick).

UNITED STATES COMMISSION ON CIVIL RIGHTS: REPORTS ON THE POLICE (William S. Hein & Co. 2005) (editor and author of introduction).

UNITED STATES COMMISSION ON CIVIL RIGHTS: REPORTS ON VOTING (William S. Hein & Co. 2005) (co-editor with Lori Wagner).

UNITED STATES COMMISSION ON CIVIL RIGHTS: REPORTS ON ASIAN PACIFIC AMERICANS (William S. Hein & Co. 2005) (editor and author of introduction).

AFFIRMATIVE ACTION AND THE CONSTITUTION (Garland Publishing 1998) (three-volume anthology) (editor and author of introductions).

IMMIGRATION AND THE CONSTITUTION (Garland Publishing 2000) (anthology) (co-editor with Victor Romero and Michael Scaperlanda).

THE UNITED STATES COMMISSION ON IMMIGRATION REFORM: THE INTERIM AND FINAL REPORTS AND COMMENTARY (William S. Hein & Co. 2000) (editor, with the Editors of the *Immigration and Nationality Law Review*).

NEW YORK CITY POLICE CORRUPTION INVESTIGATION COMMISSIONS, 1894-1994 (William S. Hein & Co. 1997) (editor and author of introductions).

**PRINT AND INTERNET EDITORIAL POSITIONS**

Occasional guest blogger on Prawfsblawg, Immprof, ACS Blog.

Contributing Editor, Criminal Law, JOTWELL (<http://jotwell.org>), since 2009.

Consultant, ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (MacMillan 2008).

Associate Editor, ENCYCLOPEDIA OF AMERICAN CIVIL LIBERTIES (Routledge 2006).

Co-editor and contributor, *Breaking Into the Academy: The MICHIGAN JOURNAL OF RACE AND LAW Guide for Aspiring Law Professors*, 7 MICHIGAN JOURNAL OF RACE & LAW 457 (4th ed.

2002); 5 MICHIGAN JOURNAL OF RACE & LAW 727 (3d ed. 2000); 3 MICHIGAN JOURNAL OF RACE & LAW 559 (2d ed. 1998); 1 MICHIGAN JOURNAL OF RACE & LAW 551 (1996) (with Denise Morgan).

Editor, IMMIGRATION AND NATIONALITY LAW REVIEW (William S. Hein & Co.), 1998-Present (beginning with 1997 volume).

Co-Editor, IMMIGRATION, REFUGEE AND CITIZENSHIP LAW ABSTRACTS (SSRN), 1999-2006 (with Bernard Trujillo). Advisory Board Member, since 2007.

## LAW PRACTICE EXPERIENCE

**Pima County Attorney's Office**, Tucson, AZ, January 2021-Present  
*Senior Counsel*

**U.S. Air Force Judge Advocate General's Corps**  
*Legal Services Volunteer*, 60<sup>th</sup> Air Mobility Wing, Office of the Staff Judge Advocate, Travis AFB, 2014-present.

**Aoki Federal Clinic**  
Work with students on Ninth Circuit appeals and amicus briefs, 2012-present.

**UC Davis Police Accountability Board**, 2014-Present. Variously Alternate, Member, Vice Chair.

**Office of the Arizona Attorney General**, Criminal Division, Criminal Prosecution Section.  
*Special Assistant Attorney General*, Summer, 2005-2011.  
Supervised clinic investigating and prosecuting white collar cases with students. Appointed Special Deputy Pima County Attorney for purposes of making grand jury appearances.

**Hamilton County Prosecuting Attorney's Office**, Cincinnati, Ohio.  
*Special Assistant Prosecuting Attorney*, Spring 1999-Spring, 2003.  
Prosecuted homicides on appeal with students, including serial killer Joseph Paul Franklin and murderer Melissa Vanover. *State v. Vanover*, 2000 WL 1434161 (Ohio App. Sept. 29, 2000).

**Office of the District Attorney, Appeals Bureau**, Cambridge and Springfield, Massachusetts.  
*Special Assistant District Attorney*, August 1991; January 1996 to April 1998.  
1996 appointment in connection with Appellate Advocacy course.

**The Legal Aid Society of New York.**  
*Volunteer Counsel*, Alabama Capital Representation Project, 1997-98.  
*Associate Appellate Counsel*, Criminal Appeals Bureau, January 1992 to July 1994.  
Volunteer Division, Summer, 1987 (represented Social Security Disability applicant).

**Skadden, Arps, Slate, Meagher & Flom**, New York and Boston.  
*Associate*, Fall 1988; February 1990 to November 1991; *Summer Associate*, 1987.  
Pro bono clients: Minority Business Development Legal Defense and Education Fund, *amicus*

*curiae* in *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989); New York State Commission on Government Integrity. Also represented criminal defendants in the First Circuit.

**The Honorable Richard P. Matsch**, Judge, U.S. District Court, District of Colorado.  
*Law Clerk*, January to December 1989.

**Professor Jerold Israel**, Michigan Law School.  
*Research Assistant*, Fall 1986 to Spring 1987.

**Office of the Mayor, City of New York.**  
*Summer Graduate Intern*, 1986. Assigned to Criminal Justice Coordinator.

#### **PROFESSIONAL AFFILIATIONS**

Bar Admission:	New York (1989), Massachusetts (1988 “retired”) Arizona, 2005-2011 (Law Professor Admission); motion for admission pending October 2020 U.S. Supreme Court U.S. Court of Appeals (1st, 6 <sup>th</sup> , 9th and 10th Circuits) U.S. District Court (D. Mass., S.D.N.Y., E.D.N.Y.)
Other:	American Society for Legal History (Life) Association for Asian American Studies (Life) NAACP (Life)

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